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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

9320
CNB 00343

FILE: B-193466

DATE: March 5, 1979

MATTER OF: California Computer Products, Inc.

DIGEST:

Protest not filed, either with contracting officer or with the General Accounting Office, within 10 working days after the basis for protest is known is untimely filed and not for consideration on the merits.

California Computer Products, Inc. (CalComp) protests the termination of its contract for translucent plotting paper by the United States Department of Agriculture (Agriculture), Forest Service. The contract resulted from order No. 40-04H1-8-2891, placed under CalComp's Federal Supply Schedule (FSS) contract. We understand informally from Agriculture that the order was issued on September 26, 1978 and terminated for the convenience of the Government on October 12, 1978 when Agriculture realized that CalComp's price was not the lowest available under the FSS.

CalComp alleges that the termination was not in accordance with "proper procurement practices" because Agriculture had the information necessary to make a proper determination initially. As relief, CalComp seeks reinstatement of its contract.

The protest is untimely. Our Bid Protest Procedures require that protests be filed, either with the contracting agency or with this Office, not later than 10 working days after the basis for the protest is known. 4 C.F.R. § 20.2 (1978). We understand that on October 12, 1978 CalComp was notified not only of the contract termination, but also of the reasons therefor. CalComp's protest, however, was not filed with this Office until November 9, 1978. Therefore,

[Protest ~~INVOLVING~~ FILED LATE IS NOT for Consideration]
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the protest is untimely filed and not for consideration on the merits. See Data Precision Corporation, B-185209, November 17, 1975, 75-2 CPD 318; Baytron Systems Corporation, B-192329, July 24, 1978, 78-2 CPD 67.

The protest is dismissed.

A handwritten signature in cursive script, reading "Milton J. Socolar".

Milton J. Socolar
General Counsel